

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

JAIME LUEVANO,

Plaintiff,

V.

**R. RUIZ, SGT. DE LOS SANTOS,
WARDENS, Huntsville Tx., and GOV.
RICK PERRY, et al.,**

Defendants.

CASE NO. 8:12CV232

MEMORANDUM AND ORDER

This matter is before the court on its own motion. On July 13, 2012, the court entered a Memorandum and Order requiring Plaintiff to either pay the \$350.00 filing fee or submit a motion for leave to proceed in forma pauperis. (Filing No. [4](#).) The court cautioned Plaintiff that, even if he was permitted to proceed in forma pauperis, he would still be required to pay the entire \$350.00 filing fee. However, he would be allowed to pay the filing fee in installments in accordance with [28 U.S.C. § 1915](#). (*Id.*)

In response, Plaintiff filed a Motion for Leave to Proceed In Forma Pauperis. (Filing No. [7](#).) However, Plaintiff did not submit a certified trust account statement with his Motion. The Clerk of the court attempted to obtain this information directly from Plaintiff's institution, but the institution advised the Clerk of the court that the inmate is responsible for obtaining and submitting his trust account information to the court. (See Docket Sheet, August 31, 2012, Public Remark.) Because the court could take no action in this matter until Plaintiff either submitted the \$350.00 filing fee or a certified trust account statement, it gave Plaintiff until October 31, 2012, to either pay the entire \$350.00 filing fee or submit a certified trust account statement. (Filing No. [9](#).) The court warned Plaintiff that if he failed to take either action, this matter would "be dismissed without prejudice and without further notice." (*Id.*)

Plaintiff has not paid the filing fee and has not submitted a certified trust account statement. (See Docket Sheet.) Instead, Plaintiff filed a “Motion to Enforce Trust Account, Etc.,” in which he complains generally about the court’s previous Memorandum and Order. (Filing No. [10](#).) There is nothing before the court showing that Plaintiff has complied, or intends to comply, with the court’s previous Memorandum and Order. As such, and in accordance with the October 1, 2012, Memorandum and Order, this matter is dismissed.

IT IS THEREFORE ORDERED that:

1. This matter is dismissed without prejudice for failure to pay the court’s filing fee and for failure to comply with a court order;
2. A separate judgment will be entered in accordance with this Memorandum and Order; and
3. All pending Motions are denied.

DATED this 20th day of November, 2012.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge

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